

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TROYLETTE BURTON, *et al.*,

Plaintiffs,

v.

MOISES FONSECA, *et al.*,

Defendants.

Case No. 3:20-CV-00190-ART-CLB

**ORDER GRANTING COUNTERMOTION
TO STRIKE DOCUMENTS IN SUPPORT
OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

[ECF No. 87]

Before the Court is Plaintiffs' Troylette Burton, Thayer Burton, and Troylette Burton as Administrator of the Estate of Thayer Joseph Burton's (collectively referred to as "Plaintiffs") countermotion to strike documents in support of Defendants' Moises Fonseca, Robert Smith, and Isidro Baca (collectively referred to as "Defendants") motion for summary judgment. (ECF No. 87.) Plaintiffs argue that Exhibit 2 to the motion for summary judgment, which is an unredacted offender summary report, should be stricken as the unredacted version was not produced in discovery. (*Id.* at 15.) In response, defense counsel concedes that Exhibit 2 should be stricken from use in the support of summary judgment and any responses. (ECF No. 91 at 9-10.)

Accordingly, Exhibit 2 to the motion for summary judgment (ECF No. 84-2) is **STRICKEN** from the record. See *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010) (district courts have authority to strike an improper filing under their inherent power to control the docket).

IT IS SO ORDERED.

DATE: June 20, 2023



UNITED STATES MAGISTRATE JUDGE